

**BRENNEKE DECLARATION**

**EXHIBIT H**

**From:** [Chien, Marsha \(ATG\)](#)  
**To:** [adrienne.scheffey@akerman.com](#); [Brenneke, Andrea \(ATG\)](#); [ashley.calhoun@akerman.com](#); [christopher.eby@akerman.com](#); [colin.barnacle@akerman.com](#); [joan@3brancheslaw.com](#)  
**Cc:** [Polozola, Lane \(ATG\)](#); [whitehead@sgb-law.com](#); [roe@sgb-law.com](#); [berger@sgb-law.com](#); [Hall, Caiti \(ATG\)](#); [joe@3brancheslaw.com](#)  
**Subject:** RE: Washington v. NWDC - Missing Docs  
**Date:** Wednesday, January 15, 2020 10:56:56 AM

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Adrienne,

I'm writing to follow up regarding GEO's letter request to ICE for an equitable adjustment, labeled 2018-ICLI-000052. Again, the State believes the document to be directly responsive to the State's requests and no privilege or work product justifies GEO's redactions. The Court suggested GEO provide the letter unredacted at the pre-trial conference.

Please either provide the letter unredacted by Monday at 8am or let us know if you will require the State to file a motion.

Thanks,  
Marsha

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**From:** [adrienne.scheffey@akerman.com](#) <[adrienne.scheffey@akerman.com](#)>  
**Sent:** Wednesday, January 08, 2020 5:31 PM  
**To:** [Brenneke, Andrea \(ATG\)](#) <[andrea.brenneke@atg.wa.gov](#)>; [ashley.calhoun@akerman.com](#); [christopher.eby@akerman.com](#); [colin.barnacle@akerman.com](#); [joan@3brancheslaw.com](#)  
**Cc:** [Chien, Marsha \(ATG\)](#) <[marsha.chien@atg.wa.gov](#)>; [Polozola, Lane \(ATG\)](#) <[Lane.Polozola@ATG.WA.GOV](#)>; [whitehead@sgb-law.com](#); [roe@sgb-law.com](#); [berger@sgb-law.com](#); [Hall, Caiti \(ATG\)](#) <[Caiti.Hall@atg.wa.gov](#)>; [joe@3brancheslaw.com](#)  
**Subject:** RE: Washington v. NWDC - Missing Docs

Andrea,

Please find attached additional correspondence related to the State's December 13<sup>th</sup> letter.

Best,

**Adrienne Scheffey**

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**From:** Brenneke, Andrea (ATG) <[andrea.brenneke@atg.wa.gov](mailto:andrea.brenneke@atg.wa.gov)>

**Sent:** Tuesday, December 31, 2019 4:17 PM

**To:** Scheffey, Adrienne (Assoc-Den) <[adrienne.scheffey@akerman.com](mailto:adrienne.scheffey@akerman.com)>; Calhoun, Ashley (Assoc-Den) <[ashley.calhoun@akerman.com](mailto:ashley.calhoun@akerman.com)>; Eby, Christopher (Ptnr-Den) <[christopher.eby@akerman.com](mailto:christopher.eby@akerman.com)>; Barnacle, Colin (Ptnr-Den) <[colin.barnacle@akerman.com](mailto:colin.barnacle@akerman.com)>; [joan@3brancheslaw.com](mailto:joan@3brancheslaw.com)

**Cc:** Chien, Marsha (ATG) <[marsha.chien@atg.wa.gov](mailto:marsha.chien@atg.wa.gov)>; Polozola, Lane (ATG) <[Lane.Polozola@ATG.WA.GOV](mailto:Lane.Polozola@ATG.WA.GOV)>; [whitehead@sgb-law.com](mailto:whitehead@sgb-law.com); [roe@sgb-law.com](mailto:roe@sgb-law.com); [berger@sgb-law.com](mailto:berger@sgb-law.com); Hall, Caiti (ATG) <[Caiti.Hall@atg.wa.gov](mailto:Caiti.Hall@atg.wa.gov)>; [joe@3brancheslaw.com](mailto:joe@3brancheslaw.com)

**Subject:** FW: Washington v. NWDC - Missing Docs

Dear Adrienne,

Here is the prior communication I was referencing.

This particular exchange occurred prior to Washington's win in the 9<sup>th</sup> Circuit and the denial of the Writ of Mandamus, which resulted in the requirement that GEO produce all financial records related to the VWP at the NWDC pursuant to ECF 133. In addition to what Marsha cited, the document we are requesting includes calculations and requests for equitable adjustment/reimbursement/renegotiation of the terms of the contract that make it responsive to at least all of the following RFPs:

REQUEST FOR PRODUCTION NO. 40: To the extent not previously produced, and to the extent they exist, please produce the NWDC's financial statements, Profit and Loss statements, and budget, and budget to actual analysis on a quarterly or annual basis from 2005 to present, including all *documents that set forth the detailed operating costs of the facility, Voluntary Work Program costs, labor costs, and payroll expenses as well as all details of revenue, contract payments and reimbursements for the NWDC.*

REQUEST FOR PRODUCTION NO. 43: To the extent not previously produced, and to the extent they exist, please produce all documents that contain *financial analysis, financial models, analysis of profits earned, valuation of the work performed, or other assessments of the Voluntary Work Program at the NWDC from 2005 to present.*

REQUEST FOR PRODUCTION NO. 51: Please produce all documents, to the extent they exist,

containing financial performance analyses, financial models, or other financial evaluations prepared in connection with or for the purpose of GEO Group's offer(s) and bid(s), *and negotiations related to amendment(s) and renewal(s)*, of contracts related to the NWDC from 2005 - present.

All the best,

Andrea Brenneke  
Assistant Attorney General  
Civil Rights Unit  
Washington State Attorney General  
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Seattle, Washington 98104  
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[Andrea.Brenneke@atg.wa.gov](mailto:Andrea.Brenneke@atg.wa.gov)

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**From:** Chien, Marsha (ATG)  
**Sent:** Wednesday, June 05, 2019 8:59 AM  
**To:** [shannon.armstrong@hklaw.com](mailto:shannon.armstrong@hklaw.com)  
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**Subject:** Washington v. NWDC - Missing Docs

Shannon,

I am writing to express concern that GEO's response to the State's discovery requests is not complete. We recently received the attached document, which appears to be part of GEO's request to ICE for an equitable adjustment. It was obtained from ICE in response to a FOIA request.

The document is squarely responsive to RFP No. 12, which requested all communications about the VWP with ICE. As such, we request that GEO provide the complete, unredacted document as well as any related communications with ICE. If any privileges apply, please specify them.

Kind Regards,  
Marsha

**Marsha Chien**

Assistant Attorney General  
Washington Attorney General's Office - Civil Rights Division  
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